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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/051,278	01/22/2002	Hiroya Kumashio	217967US2	7574
22850	7590	06/21/2006	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314				POKRZYWA, JOSEPH R
ART UNIT		PAPER NUMBER		
		2625		

DATE MAILED: 06/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief	Application No.	Applicant(s)	
	10/051,278	KUMASHIO, HIROYA	
Examiner Joseph R. Pokrzywa	Examiner	Art Unit	
	Joseph R. Pokrzywa	2625	
--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --			
THE REPLY FILED 01 June 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.			
<p>1. <input checked="" type="checkbox"/> The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:</p> <p>a) <input checked="" type="checkbox"/> The period for reply expires <u>3</u> months from the mailing date of the final rejection.</p> <p>b) <input type="checkbox"/> The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than <u>SIX MONTHS</u> from the mailing date of the final rejection.</p> <p>Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).</p>			
<p>Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).</p>			
NOTICE OF APPEAL			
<p>2. <input type="checkbox"/> The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).</p>			
AMENDMENTS			
<p>3. <input type="checkbox"/> The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, <u>will not</u> be entered because</p> <p>(a) <input type="checkbox"/> They raise new issues that would require further consideration and/or search (see NOTE below);</p> <p>(b) <input type="checkbox"/> They raise the issue of new matter (see NOTE below);</p> <p>(c) <input type="checkbox"/> They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or</p> <p>(d) <input type="checkbox"/> They present additional claims without canceling a corresponding number of finally rejected claims.</p> <p>NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).</p>			
<p>4. <input type="checkbox"/> The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).</p>			
<p>5. <input type="checkbox"/> Applicant's reply has overcome the following rejection(s): _____.</p>			
<p>6. <input type="checkbox"/> Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).</p>			
<p>7. <input checked="" type="checkbox"/> For purposes of appeal, the proposed amendment(s): a) <input type="checkbox"/> <u>will not</u> be entered, or b) <input checked="" type="checkbox"/> <u>will</u> be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.</p> <p>The status of the claim(s) is (or will be) as follows:</p> <p>Claim(s) allowed: <u>none</u>.</p> <p>Claim(s) objected to: <u>none</u>.</p> <p>Claim(s) rejected: <u>2,4-9 and 11-13</u>.</p> <p>Claim(s) withdrawn from consideration: _____.</p>			
AFFIDAVIT OR OTHER EVIDENCE			
<p>8. <input type="checkbox"/> The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal <u>will not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).</p>			
<p>9. <input type="checkbox"/> The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, <u>will not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).</p>			
<p>10. <input type="checkbox"/> The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.</p>			
REQUEST FOR RECONSIDERATION/OTHER			
<p>11. <input type="checkbox"/> The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.</p>			
<p>12. <input type="checkbox"/> Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.</p>			
<p>13. <input type="checkbox"/> Other: _____.</p>			
 Joseph R. Pokrzywa Primary Examiner Art Unit: 2625			

DETAILED ACTION

Response to Amendment

1. Applicant's amendment, received on 6/1/06, will be entered upon filing an appeal.

Response to Arguments

2. Applicant's arguments filed 6/1/06 have been fully considered but they are not persuasive.
3. In response to applicant's arguments regarding the rejection of **claim 2**, which was cited in the Office action dated 3/31/06 as being anticipated by Tonkin (U.S. Patent Number 6,134,568), whereby applicant argues on pages 7-9 that Tonkin fails to teach of a server changing print condition settings, and sending the changed settings to the client, as applicant argues that Tonkin displays an error message and allows the user to change the document settings. While the examiner acknowledges that Tonkin does teach of allowing the user to change settings, as argued by applicant, Tonkin also teaches that the processing facility, which is interpreted as the document supervisory server, changes print condition settings. The examiner notes that claim 2 currently requires "said document supervisory server changes a combination of the print condition settings and sends an appropriate combination including one set of changed print condition settings to the document supervisory client when determining the print condition settings are inappropriate". Tonkin states on column 9, lines 32-37, that "it is generally preferable to allow the user to specify a type of binding and allow the software to select a specific binding of that type based on properties, such as thickness, of the final document."

Further, as stated in column 10, lines 4-9, “[o]nce the document properties have been calculated, specific production components can be selected for those cases where the user has merely specified a component type.” Thus, Tonkin can be interpreted as teaching of said document supervisory server changes a combination of the print condition settings (whereby the software selects specific production components that the user merely specified a type) and sends an appropriate combination including one set of changed print condition settings to the document supervisory client when determining the print condition settings are inappropriate (whereby the settings are determined to be inappropriate when only a component type is specified).

4. Therefore, the rejection of independent *claim 2*, as well as the rejections of independent *claims 4 and 11*, as cited in the Office action dated 3/31/06, as being anticipated by Tonkin, are maintained.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joe Pokrzywa whose telephone number is (571) 272-7410. The examiner can normally be reached on Monday-Friday, 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on (571) 272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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jrp



JOSEPH R. POKRZYWA
PRIMARY EXAMINER